

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PRINCE ALLEN MARSH,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 05-087-JJF
	:
DELAWARE STATE UNIVERSITY,	:
DR. CHARLES SMITH, DREXEL	:
BALL, KAY MOSES and LOWAN	:
PITT,	:
	:
Defendants.	:

MEMORANDUM ORDER

Pending before the Court is a Motion For Enlargement Of Time To File A Response To Plaintiff's Motion For Summary Judgment And Answers To Plaintiff's Complaint (D.I. 17) filed by Defendants. By their Motion, Defendants request an extension of time of twenty (20) days within which to respond to Plaintiff's motion for summary judgment and file an answer to Plaintiff's Complaint. In support of their Motion, Defendants contend that they were unable to obtain counsel until August 31, 2005, due to excusable administrative oversight.

Plaintiff has filed an opposition to Defendants' request for an extension of time. In addition, Plaintiff has filed a letter request for a preliminary injunction requiring Defendants to permit him to return to school.

Reviewing the parties' positions in light of the circumstances of this case, the Court concludes that Defendants are entitled to the requested extension of time. As a general

matter, default judgments are disfavored, and resolution on the merits of a case is preferred. Gross v. Stereo Component Systems, Inc., 700 F.2d 120, 122 (3d Cir. 1983). Moreover, the Court concludes that Plaintiff will suffer no undue prejudice, at this time, as a result of the limited extension requested. Accordingly, the Court will grant Defendants' Motion.

NOW THEREFORE, IT IS HEREBY ORDERED this 5 day of October 2005, that:

1. Defendants' Motion For Enlargement Of Time To File A Response To Plaintiff's Motion For Summary Judgment And Answers To Plaintiff's Complaint (D.I. 17) is GRANTED.

2. Defendants' shall file their response to Plaintiff's Motion and their Answer to the Complaint **within twenty (20) days of the date of this Order.**

3. Plaintiff's request for preliminary injunction shall be considered at a hearing on **Thursday, December 1, 2005 at 11:30 a.m.** in Courtroom 4B, 4th Floor, Boggs Federal Building. **One-half (1/2) hour per side** shall be allotted for the presentation of argument.


UNITED STATES DISTRICT JUDGE